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7 United States of America  
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11 IN THE UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA,  
15 v.  
16 ARMANDO CHRISTOPHER TABAREZ,  
17 Defendant.

CASE NO. 2:21-CR-211-DAD  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
AND ORDER  
DATE: September 12, 2023  
TIME: 9:30 a.m.  
COURT: Hon. Dale A. Drozd

18  
19 STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 12, 2023. In its order setting this hearing date, the Court stated: "No further continuances of the status conference in this case will be granted absent a compelling showing of good cause." ECF No. 71.

2. By this stipulation, defendant now moves to continue the status conference until November 7, 2023, for a status conference (likely change of plea hearing), and to exclude time between September 12, 2023, and November 7, 2023, under Local Code T4. Defendant asks the Court to find "a compelling showing of good cause" based on the fact that defense counsel Megan Virga's father recently passed away. Given her father's passing and the associated familial and personal responsibilities, Ms. Virga has not been able to do the necessary defense preparation she had planned for

1 the September 12, 2023, status conference (likely change of plea) hearing in this matter. Accordingly,  
2 the defendant respectfully requests one more brief continuance to allow the defense to complete the  
3 necessary preparation they had planned to complete by September 12, 2023. The requested date,  
4 November 7, 2023, at 9:30 am, is the next available date that works for all parties and will give the  
5 defense sufficient time to prepare.

6       3.     The parties agree and stipulate, and request that the Court find the following:

7           a)     The government has represented that the discovery associated with this case  
8 includes more than 400 pages of investigative reports, photographs, and other documents and  
9 materials. All of this discovery has been either produced directly to counsel and/or made  
10 available for inspection and copying.

11          b)     Counsel for defendant desires additional time to review the discovery, conduct  
12 factual investigation, review the charges and potential defenses and resolutions, confer with their  
13 client, and otherwise prepare for trial.

14          c)     Counsel for defendant believes defendant will likely wish to change his plea at the  
15 next status conference. However, counsel for defendant have not had sufficient opportunity to  
16 meet with defendant to finalize the plea agreement and confirm that he desires to change his plea  
17 pursuant to the proposed plea agreement. In the event defendant does not decide to plead guilty  
18 by the next court date, the time counsel needs to meet with defendant will also be necessary for  
19 counsel's trial preparation.

20          d)     Counsel for defendant believes that failure to grant the above-requested  
21 continuance would deny them the reasonable time necessary for effective preparation, taking into  
22 account the exercise of due diligence.

23          e)     The government does not object to the continuance.

24          f)     Based on the above-stated findings, the ends of justice served by continuing the  
25 case as requested outweigh the interest of the public and the defendant in a trial within the  
26 original date prescribed by the Speedy Trial Act.

27          g)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
28 et seq., within which trial must commence, the time period of September 12, 2023 to November

1       7, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
2       Code T4] because it results from a continuance granted by the Court at defendant's request on  
3       the basis of the Court's finding that the ends of justice served by taking such action outweigh the  
4       best interest of the public and the defendant in a speedy trial.

5       4.       Nothing in this stipulation and order shall preclude a finding that other provisions of the  
6       Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
7       must commence.

8           IT IS SO STIPULATED.

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10      Dated: September 5, 2023

PHILLIP A. TALBERT  
United States Attorney

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13      /s/ DAVID W. SPENCER  
14      DAVID W. SPENCER  
15      Assistant United States Attorney

16      Dated: September 5, 2023

17      \_\_\_\_\_  
18      /s/ Megan Virga  
19      Megan Virga  
20      Ronald Peters  
21      Counsel for Defendant  
22      ARMANDO CHRISTOPHER  
23      TABAREZ

24           **ORDER**

25       Pursuant to the stipulation of the parties and good cause appearing, the status conference  
26       previously scheduled for September 12, 2023 is continued to November 7, 2023, at 9:30 a.m. and time is  
27       excluded between September 12, 2023, and November 7, 2023, under Local Code T4. No further  
28       continuances of the status conference date will be granted absent a compelling showing of good cause.

IT IS SO ORDERED.

Dated: September 6, 2023

*Dale A. Drozd*  
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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE